REMARKS

Summary

Claims 38-55 were pending. In the present response, claims 39, 40, and 55 are cancelled, claims 38 and 50 are amended, and claims 56-59 are added. No new matter has been added.

Accordingly, claims 38, 41-54, and 56-59 are pending and under consideration.

102(b) Rejections of Claims 38-42, 44, 45, 48, 49, 54, and 55

Claims 38-42, 44, 45, 48, 49, 54, and 55 were rejected under 35 USC 102(b) as being unpatentable over US Patent No. 4,143,367 to Schestag (Schestag). Applicant respectfully traverses the rejections in light of the amendments to the claims and the remarks below.

Claim 38 provides at least one web-like closing element. The Office Action indicates that Schestag provides a web-like closing element, although Schestag fails to provide such a feature. As indicated in the present specification, the web-like closing element refers to the curtain of the roll-up door, element 10 in Figure 1 (above the stabilizing element). Schestag by contrast provides a door 12 that is not web-like and appears akin to the other main type of door identified in the background of the present specification, one with multiple articulating slats. As noted previously, two different types of roll-up doors are known, where the first type thereof comprises a closing element consisting of multiple slats connected to one another in an articulating manner to thereby provide satisfying stability. On the other hand, in cases where a rapid opening and closing motion is more important than stability, closing elements in the form of web-like hanging elements, for example realized by PVC-foils, may be used. These types of closing elements require a stabilizing element at the lower edge thereof to thereby render it sufficiently stable, such as under wind loads. The roll-up door of claim 38 is thus different from that of Schestag.

In addition, claim 38 includes at least one leaf spring. The Office Action cites elements 22 and 23 of Schestag as spring elements. However, elements 22 and 23 are

electrodes positioned along the foam strip 21. At no point in Schestag are electrodes 22 and 23 referred to as springs or providing the function of springs, which are by definition flexible elastic objects used to store mechanical energy. Electrodes 22 and 23 serve an entirely different purpose than the leaf spring(s) of claim 38.

Furthermore, Schestag does not describe a leaf spring or other such feature embedded in a stabilizing element having elastically deformable lower and lateral contact surfaces in which the direction of restoring forces differ.

For the above reasons, claim 38 is patentable over Schestag.

Pending claims 41, 42, 44, 45, 48, 49, and 54 are dependent, directly or indirectly, on claim 38 and thus are patentable over Schestag for at least the same reasons discussed above with respect to claim 38.

103(a) Rejections of Claims 38-46, 48, 49, 54, and 55

Claims 38-46, 48, 49, 54 and 55 were rejected under 35 USC 103(a) as being unpatentable over US Patent No. 5,141,044 to Hying et al. (Hying) in view of US Patent No. 4,519,474 to Iseli et al. (Iseli). Applicant respectfully traverses the rejections in light of the amendments to the claims and the remarks below.

Claim 38 provides a stabilizing element having an elastically deformable lower contact surface and opposing lateral exterior elastically deformable contact surfaces, the stabilizing element configured to exert a first restoring force to counteract a contact deformation of the elastically deformable lower contact surface of said stabilizing element in a direction opposite to a closing direction when each of said at least one closing element is in said closed position and to exert a second restoring force to counteract a contact deformation of opposing lateral exterior elastically deformable contact surfaces of said stabilizing element in a direction transverse to each of said at least one closing element when each of said at least one closing element is in said closed position.

Hying and Iseli fail to provide each of the features of claim 38. Neither Hying nor Iseli provide a stabilizing element having an embedded leaf spring and elastically deformable lower and lateral contact surfaces.

As discussed previously, Hying does not provide a leaf spring. In addition, Hying does not provide elastically deformable lateral contact surfaces. Hying provides an elastically deformable lower contact surface, but the lateral portion of the terminal end of the door comprises the metal bottom bar 20, clearly a feature that does not permit elastic deformation in a transverse direction.

Iseli is cited for teaching a leaf spring. However, Iseli provides safety beading that is singularly disposed to have an elastically deformable lower contact surface (shown in Figure 4). The lateral portions of the safety beading are intended to be further embedded in a carrier to provide protection to the safety beading and to ensure that contact that would interrupt the functioning of the device is provided by "head-on" contact. In Iseli, such contact is only experienced by the lower exposed surface of the safety beading, as would be expected in its primary intended use as a vehicle safety bumper.

By contrast, claim 38 provides for multiple contact surfaces. The different restoring forces discussed previously are particularly important because of the multiple contact surfaces that are impacted in the roll-up door of claim 38.

For the above reasons, claim 38 is patentable over Hying and Iseli.

Pending claims 41-46, 48, 49, and 54 are dependent, directly or indirectly, on claim 38 and thus are patentable over Hying and Iseli for at least the same reasons discussed above with respect to claim 38.

103(a) Rejection of Claim 43

Claim 43 was rejected under 35 USC 103(a) as being unpatentable over Schestag. Claim 43 is dependent, indirectly, on claim 38 and thus is patentable over Schestag for at least the same reasons as discussed above.

103(a) Rejection of Claim 47

Claim 47 was rejected under 35 USC 103(a) as being unpatentable over Hying, in view of Iseli, and further in view of US Patent No. 5,399,851 to Strand (Strand). Claim 47 is dependent on claim 38 and thus is patentable over Hying and Iseli for at

least the same reasons as discussed above. Strand fails to overcome the deficiencies of Hying and Iseli, and thus claim 47 is patentable over the combination of the cited refefences.

103(a) Rejections of Claims 50-53

Claims 50-53 were rejected under 35 USC 103(a) as being unpatentable over Hying in view of Iseli and further in view of US Patent No. 3,292,685 to Clark (Clark).

Claims 50-53 are dependent on claim 38, directly or indirectly, and thus are patentable over Hying and Iseli for at least the same reasons as discussed above. Clark fails to overcome the deficiencies of Hying and Iseli, and thus claims 50-53 are patentable over the combination of the cited refefences.

In addition, claim 50 provides an intake element situated above a guide element for guiding the closing element into the guide element. The intake element aligns/centers the closing element for entry into the guide element. The intake element (not the guide element) comprises oppositely situated delimiting surfaces, and pretensioning devices configured to push the closing element in at least one direction opposite to and transverse to a direction of motion of the at least one closing element. Clark is cited for these features, but Clark simply provides weather stripping that may be provided in a single elongated guide channel. Thus, Clark does not provide weather stripping (with our without bristles) in a separate intake system to align and center the door for entry into a guide element.

For these additional reasons, claims 50-53 are patentable over the combination of Hying, Iseli, and Clark.

New Claims 56-59

Claims 56-59 are directed to additional features of the invention not taught or suggested by the cited references. Thus, claims 56-59 are patentable over the cited references for at least the same reasons identified above.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 38, 41-54, and 56-59 are in condition for allowance, and early issuance of the Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2844. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 11/26/2008

/Steven J. Prewitt/
Steven J. Prewitt
Registration No. 45,023

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981